

# CITY of WOODSTOCK

## Application for Public Hearing

### Important Notes:

1. Please check all information supplied on the following pages to ensure that all spaces are filled out accurately before signing this form. This page should be the first page of your completed application package.
2. All documents required as part of the application package shall be submitted at the same time as the application. Incomplete application packages WILL NOT BE ACCEPTED.
3. Please contact the Zoning Administrator in the Community Development Department at 770.592.6039 if you have any questions regarding the application package, this application or the public hearing process.

Contact Person: Parks F. Huff, Esq.Phone: (770) 422-7016

### Applicant's Information:

Name: RES-GA TSL, LLCAddress: 750 Hammond Drive, Building 6, Suite 300

Phone: \_\_\_\_\_

City, State, Zip: Atlanta, Georgia 30328

Fax: \_\_\_\_\_

### Property Owner's Information:

☒ same as above

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Fax: \_\_\_\_\_

### Requested Public Hearing (check all that apply):

☐ Annexation☐ Comprehensive Plan Amendment☒ Rezoning☐ Other: \_\_\_\_\_☒ Variance

#### STAFF USE ONLY:

Case: 2 # 066-13Received by: PATTI HARTFee Paid: \$ 750.00 CK # 1147Date: 7.1.13

#### PUBLIC HEARING SCHEDULE:

Public Input Meeting: By 7.31.13 LatestPlanning Commission: 9.5.13 @ 7PM Chambers at City CenterBoard of Appeals: N/ACity Council: 9.23.13 @ 7PM Chambers at City CenterOther: DPC 8.7.13 @ 10 AM City Hall Annex

**Property Information:**Location: The Southeast corner of Eagle Drive and Putnam Ford RoadParcel Identification Number(s) (PIN): 15N05 203, 205A, 206A, 208, 212B Total Acreage: 15.58 16.5 PFAExisting Zoning of Property: R-4 Future Development Map Designation: CVC & Urban VillageAdjacent Zonings: North R-40 South R-40 East GC & SL West R-10 & GC**Applicant's Request (Itemize the Proposal):**

The property is currently zoned for townhomes at a density of 9 units per acre. The applicant proposes R-3C zoning to create single family detached lots at a density of 3 units per acre. The Applicant also seeks variances for setbacks and buffers as depicted on the site plan. 1) A combined 25 foot setback and buffer along Putnam Ford Road; and 2) a 15 and a 30 foot rear setback along the South and West property line respectively.

**Proposed Use(s) of Property:**Single family detached homes.**Infrastructure Information:**Is water available to this site? ☒ Yes ☐ NoJurisdiction: Cherokee

How is sewage from this site to be managed?

Public sewer provided by Cherokee County.Will this proposal result in an increase in school enrollment? ☐ Yes ☒ No

If yes, what is the projected increase? \_\_\_\_\_ students \*\*\*The number of approved homes is dropping from 118 to 46.

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	46	0.725	33
Multi Family (Attached) Home	118	0.287	34

**Traffic Generation:**

If a traffic study is not required as part of this application, complete the following charts to estimate traffic generated by the proposal. Information for additional residential and all commercial/industrial development shall follow the summary of ITE Trip Generation Rates published in the Transportation Planning Handbook by the Institute of Transportation Engineers.

What is the estimated number of trips generated? 440 trips

Code	Land Use(s)	# of units*	Daily Trip Ends	Number of Trips
210	Single Family Home/Townhome	46	9.57	440
220	Apartment	118	6.63	782
* A unit for residential purposes is equal to one residential unit. For commercial/industrial uses it is defined in the ITE table, but most often is equal to 1,000 square feet of floor area for the use specified.				

**Authorization:**

Upon receipt of the completed application package, the Community Development Department shall notify the applicant of scheduled dates, times, and locations of the public meetings/hearings. The applicant or a representative must be present to answer any questions that may be asked. In the event that an application is not complete, the case may be delayed or postponed at the discretion of the department.

This form is to be executed under oath. I, Parks F. Huff, Attorney for Applicant, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Application for Public Hearing is true and correct and contains no misleading information.

This 28th day of June, 2013.

Print Name 

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**APPLICANT RESPONSE STATEMENT  
VARIANCES**

**1) Explain requested variance.**

The applicant seeks setbacks as depicted on the site plan which includes a 25 foot side setback along Putnam Ford Road that includes the 20 foot landscape strip. The applicant also seeks a 15 foot setback along the southern property line and a 30 foot setback along the west property line as depicted on the site plan and as approved in a previous zoning.

**2) How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or building(s) involved and which are not applicable to other lands, structure(s) or building(s) in the same district.**

The requested variances are to accommodate a greatly reduced development plan that changes the zoning from an attached townhome product to a detached product.

**3) How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.**

The zoning ordinance does not recognize the greatly reduced impact of the proposed zoning modification.

**4) How the special conditions and circumstances do not result from the actions of the applicant.**

The applicant bought an already approved and partially developed townhome product. The layout was set by the previous zoning and the variances relate to fitting the detached product into an already developed townhome community.

**5) How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or building(s) in the same district.**

The proposed variances relate to the fact that the site is already developed and the variances will not set precedence.

- 6) **How no non-conforming use of neighboring lands, structure(s) or building(s) in the same district and not permitted or non-use of lands, structure(s) or building(s) in other districts shall be considered grounds for issuance of a variance.**

The applicant does not rely upon other variances for approval, but points to the already approved plans for the subject property with similar variances.

- 7) **Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s).**

The applicant is seeking the minimum variances needed to accommodate the single family detached product on the existing developed townhome community.

- 8) **Explain how, if granted, this requested variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties or otherwise detrimental to the public welfare.**

The proposed variances will not be out of place in this area of Woodstock where there are similar housing products.

This the 28<sup>th</sup> day of June, 2013.

SAMS, LARKIN & HUFF, LLP



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PARKS F. HUFF, ESQ.  
Attorney for Applicant

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## **APPLICANT RESPONSE STATEMENT ANNEXATIONS AND REZONINGS**

As directed by the City of Woodstock, the Applicant responds to the following queries that the City of Woodstock has determined are relevant in balancing the interests in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of property and shall govern the exercise of the zoning power.

**1) Explain the intent of the requested zoning.**

The applicant proposes to rezone the property from the current category of R-4 (High Density Attached Residential) zoned to a maximum density of 9 units per acre to R-3C to convert the existing townhome lots to detached single family lots at a density of 3 units per acre.

**2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

The property is currently developed for townhomes. The market for townhomes has collapsed. Therefore, the applicant would like to build single family detached homes, which is compatible with surrounding uses.

**3) How the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.**

The proposed single-family subdivision will not have any adverse affect whatsoever on the use or usability of adjacent or nearby property.

**4) Whether the property to be affected by a proposed zoning has a reasonable economic use as currently zoned.**

The subject property does not have a reasonable economic use as currently zoned because the townhome market has collapsed. Therefore, the property as zoned does not have a reasonable economic use.

**5) Whether the proposed zoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.**

The proposed rezoning will actually decrease the number of dwelling units from 118 units to 46 so there will be a decrease in the use of the public infrastructure.

- 6) **Whether the proposed zoning is in conformity with the policy and interest of the land use plan.**

The land use plan categorizes the subject property as Neighborhood Living. The proposal is consistent with the land use plan.

- 7) **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed zoning.**

The lack of a market for townhomes lends support for the rezoning proposal to R3C for a more traditional detached subdivision.

This the 25<sup>th</sup> day of June, 2013.

SAMS, LARKIN & HUFF, LLP



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PARKS F. HUFF, ESQ.  
Attorney for Applicant